

Appl No. 10/740,254  
Atty. Docket No. AA555C  
Amtd. Dated February 16, 2006  
Reply to Office Action of November 17, 2005  
Customer No. 27752

### REMARKS

Claims 1-14 are pending in the present application. Claims 4-8 and 12-14 have been withdrawn from consideration and will be canceled upon notice of allowance. Claim 1 has been amended. Support for the amendment to Claim 1 can be found at least on page 5, lines 19-23 of the originally filed specification. Claim 3 has been amended to correct a multiple dependency. No additional claims fee is believed to be due.

#### *The Rejection under 35 U.S.C. §102(b) over Esser et al.*

Claims 1-3 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Esser et al., US 6,241,976 (hereinafter "Esser"). Applicants respectfully traverse this rejection. Applicants' amended Claim 1 requires that the polyol-in-silicone emulsion consists essentially of the alkyl dimethicone copolyol and the polyol (i.e. the polyol-in-silicone emulsion does not contain materials which may interfere with the stability of the polyol-in-silicone emulsion). Esser teaches an antiperspirant composition containing a structured emulsion of a continuous phase and a disperse phase. The discussion under Example 2 in Esser indicates that the emulsion of Esser contains materials which may interfere with the stability of the polyol-in-silicone emulsion of the present invention. Esser does not disclose a polyol-in-silicone emulsion that consists essentially of the alkyl dimethicone copolyol and the polyol.

Applicants contend that the Esser reference does not anticipate Applicants' amended claims. Therefore, Applicants contend that the present invention is novel in view of Esser and that the rejection should be withdrawn.

#### *The Rejection under 35 U.S.C. 103(a) over Esser et al.*

Claims 10-11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Esser et al., US 6,241,976 (hereinafter "Esser"). Applicants respectfully traverse this rejection. Applicants' amended Claim 1 (from which Claims 10-11 depend) requires that the

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polyol-in-silicone emulsion consists essentially of the alkyl dimethicone copolyol and the polyol (i.e. the polyol-in-silicone emulsion does not contain materials which may interfere

with the stability of the polyol-in-silicone emulsion). As discussed above, Esser teaches an antiperspirant composition containing a structured emulsion of a continuous phase and a disperse phase. The discussion under Example 2 in Esser indicates that the emulsion of Esser contains materials which may interfere with the stability of the polyol-in-silicone emulsion of the present invention. Esser does not teach or suggest a polyol-in-silicone emulsion that consists essentially of the alkyl dimethicone copolyol and the polyol.

Esser does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

#### CONCLUSION

In view of the above, Applicants respectfully submit that each of the issues raised by the Office Action has been addressed. Reconsideration and allowance of each of the pending claims is respectfully requested.

Respectfully submitted,  
THE PROCTER & GAMBLE COMPANY

By Laura L. Whitmer  
Signature  
Laura L. Whitmer  
Typed or Printed Name  
Registration No. 52,920  
(513) 626-2721

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